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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,601	10/29/2003	Serge Kurowski	200680-9001	9618

1131 7590 02/14/2006

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EXAMINER	
TAI, CYRIL	

ART UNIT	PAPER NUMBER
1723	

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/697,601	KUROWSKI, SERGE	
	Examiner	Art Unit	
	Cyril Tai	1723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,6,8,14 and 17-19* is/are rejected.

7)☒ Claim(s) *2-5,7,9-13,15,16 and 20* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 October 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☒ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *10/29/2003*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. It is noted that this application appears to claim subject matter disclosed in prior Application No. PCT/BE02/00067, filed on May 2, 2002. A reference to the prior application must be inserted as the first sentence(s) of the specification of this application or in an application data sheet (37 CFR 1.76), if applicant intends to rely on the filing date of the prior application under 35 U.S.C. 119(e), 120, 121, or 365(c). See 37 CFR 1.78(a). For benefit claims under 35 U.S.C. 120, 121, or 365(c), the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of all nonprovisional applications. If the application is a utility or plant application filed under 35 U.S.C. 111(a) on or after November 29, 2000, the specific reference to the prior application must be submitted during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. If the application is a utility or plant application which entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the specific reference must be submitted during the pendency of the application and within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months from the filing date of the prior application. See 37 CFR 1.78(a)(2)(ii) and (a)(5)(ii). This time period is not extendable and a failure to submit the reference required by 35 U.S.C. 119(e) and/or 120, where applicable, within this time period is considered a waiver of any benefit of such

prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). A benefit claim filed after the required time period may be accepted if it is accompanied by a grantable petition to accept an unintentionally delayed benefit claim under 35 U.S.C. 119(e), 120, 121 and 365(c). The petition must be accompanied by (1) the reference required by 35 U.S.C. 120 or 119(e) and 37 CFR 1.78(a)(2) or (a)(5) to the prior application (unless previously submitted), (2) a surcharge under 37 CFR 1.17(t), and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional. The petition should be addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

If the reference to the prior application was previously submitted within the time period set forth in 37 CFR 1.78(a), but not in the first sentence(s) of the specification or an application data sheet (ADS) as required by 37 CFR 1.78(a) (e.g., if the reference was submitted in an oath or declaration or the application transmittal letter), and the information concerning the benefit claim was recognized by the Office as shown by its inclusion on the first filing receipt, the petition under 37 CFR 1.78(a) and the surcharge under 37 CFR 1.17(t) are not required. Applicant is still required to submit the reference in compliance with 37 CFR 1.78(a) by filing an amendment to the first sentence(s) of the specification or an ADS. See MPEP § 201.11.

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Belgium on May 3, 2001. It is noted, however, that applicant has not filed a certified copy of the Belgium 010307 application as required by 35 U.S.C. 119(b).

Information Disclosure Statement

3. The information disclosure statement filed October 29, 2003 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Objections

4. Claim 17 is objected to because of the following informalities: the word "tilling" should be replaced with "tilting". Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 6, 8, 17, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Parmentier (US 3,373,873). Parmentier discloses a continuous fluid filtration device.

Regarding claim 1, Parmentier discloses a continuous fluid filtration device (col. 1, lines 14-35), comprising:

a. filtration cells (1) (col. 3, lines 21-22; Figs. 1 and 2) each having an opening towards its top (col. 4, lines 52-53) through which they are supplied with fluid to be filtered (col. 4, lines 55-56), the cells being fitted with a filter bed (col. 2, line 64-69; Fig. 2) which, in the filtration position of the cells allows passage of a filtrate and retention of a filtration cake, and a bottom (18) (col. 3, line 67; Fig. 2);

b. the cells being disposed in a carousel (Fig. 1) around a rotation axis (10) and each cell arranged so as to be able to pivot about a tilt axis (16) tangential to a horizontal circle having the rotation axis as its centre (Fig. 2);

c. means for supporting the filtration cells so that each cell can perform a revolution about the rotation axis (col. 3, lines 33-35, 75; col. 4, lines 1-3);

d. means for driving the filtration cells in revolution about the rotation axis (col. 3, lines 55-58);

e. means for moving the filtration cells to cause a tilting movement thereof about their tilt axis, during their revolution about the rotation axis (col. 4, lines 9-15); and

f. means for discharging the filtrate from the cells comprising at least one outlet orifice (36) at the bottom of each cell (col. 5, lines 7-8; Fig. 6), a central collector (66) and connection means allowing flow of the filtrate

between the said at least one outlet orifice and the collector (col. 5, lines 8-10; Fig. 6),

g. said connection means for each cell comprising a flexible conduit (col. 6, lines 66-68; Figs. 13 and 14) in which, in the filtration position of the cell, no area of the flexible conduit is lower than another area of this conduit situated downstream with respect to the flow of the filtrate, the flexible conduit being arranged so as not to undergo any elongation during the tilting of the cell (Fig. 2).

Regarding claim 6, Parmentier discloses a device according to claim 1, characterized in that each cell is supported on a shaft (16) coaxial with the tilt axis so as to be able to pivot about this axis (col. 3, lines 66-68; Fig. 2).

Regarding claim 8, Parmentier discloses a device according to claim 1, characterized in that each cell is supported on two shaft ends coaxial with each other and coaxial with the tilt axis so as to be able to pivot about this axis (col. 3, lines 66-68; Fig. 2).

Regarding claim 17, Parmentier discloses a device according to claim 1, characterized in that the tilting movement means comprises a roller (21) (col. 3, line 75; Figs. 1 and 2) arranged on each cell so as to be able to turn freely about a pivot axis, and a guide rail (23) (col. 4, lines 1-2; Figs. 1 and 2) arranged fixedly at one point on the filtration device so as to receive the roller of each driven filtration cell and to guide it so as to cause the said tilting movement of the cell (zone H) (col. 4, lines 9-15; Figs. 1 and 2).

Regarding claim 18, Parmentier discloses a device according to claim 17, characterized in that the pivot axis of each roller is situated in a plane passing through the rotation axis of the device and perpendicular to the tilt axis of the filtration cell corresponding to the roller (Figs. 1 and 2).

Regarding claim 19, Parmentier discloses a device according to claim 17, characterized in that the roller is carried by the cell at an internal end thereof (Figs. 1 and 2).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parmentier ('873) in view of Orr et al (US 3,361,262). Parmentier discloses a device according to claim 1, which is discussed above, characterized in that the collector is connected to a source of negative pressure (col. 6, lines 56-62) which

the flexible conduits connected to the filtration cells in the filtration position communicate to them, below their filter bed (Fig. 2). Parmentier differs from claim 14, wherein the collector is also a distributor connected to a source of pressurized gas which the flexible conduits connected to the filtration cells in the tilted position communicate to them, in order to assist with the detachment of the filtration cake from the filter bed.

Orr et al teaches a continuous fluid filtration device (col. 1, lines 12-18), characterized in that a collector (30) is connected to a source of negative pressure (col. 4, lines 36-41) which flexible conduits (39a) (Fig. 3) connected to filtration cells (38) communicate to them (Fig. 3), below their filter bed (Fig. 3), and in that the collector is also a distributor (col. 2, lines 50-62; col. 6, lines 38-51; Fig. 6) connected to a source of pressurized gas (col. 7, lines 4-7) which the conduits connected to the filtration cells communicate to them (col. 6, lines 38-51; Fig. 6). Parmentier and Orr et al are analogous art in that both teach a continuous fluid filtration device comprising: (a) filtration cells each having an opening towards its top, the cells being fitted with a filter bed, allowing the passage of a filtrate and retention of a filtration cake, and a bottom; (b) the cells being disposed in a carousel around a rotation axis; (c) means for supporting the filtration cells so that each cell can perform a revolution about the rotation axis; (d) means for driving the filtration cells in revolution about the rotation axis; (e) means for discharging the filtrate from the cells comprising at least one outlet orifice, a central collector and connection means allowing flow of the filtrate between at least one outlet orifice and the collector, connection means for each

cell comprising a flexible conduit in which, in the filtration position of the cell, no area of the flexible conduit is lower than another area of this conduit situated downstream with respect to the flow of the filtrate. In addition, both teach the collector is connected to a source of negative pressure and a source of pressurized gas, which the flexible conduits connected to the filtration cells communicate to them.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention in view of the teachings of Orr et al to modify the continuous fluid filtration device of Parmentier such that the collector is connected to a source of negative pressure which the flexible conduits connected to the filtration cells communicate to them, below their filter bed, and in that the collector is also a distributor connected to a source of pressurized gas which the flexible conduits connected to the filtration cells communicate to them, in order that a residue layer of filter cake material may be remixed with incoming filtrate (col. 1, lines 59-62 of Orr et al).

Allowable Subject Matter

10. Claims 2, 3, 4, 5, 7, 9, 10, 11, 12, 13, 15, 16 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cyril Tai whose telephone number is (571)

272-1495. The examiner can normally be reached on Monday-Friday from 9:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on (571) 272-1151. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cyril Tai
Examiner
Art Unit 1723

JOHN KIM
Primary PATENT EXAMINER

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